

REMARKS

As a result of the foregoing amendments, claims 1-3, 5, 15 and 23 have been amended. No new matter has been added by these amendments. Claims 1 and 3 have been amended to remove limitations which stood rejected as new matter. Claim 1 has been further amended to incorporate a limitation requiring at least 500 consecutive nucleotides of SEQ ID No. 1 or the complement thereto. See pages 14 and 90 of the specification for support for this limitation. Claims 1-3 and 5 have been further amended to clarify that the claimed isolated nucleic acids comprise portions of SEQ ID Nos. 1-3 or 5, or the complement of SEQ ID Nos. 1-3 or 5. Claim 15 has been amended to clarify the requirement of 80% nucleotide identity to the 500 or more consecutive nucleotides of SEQ ID No. 1 or its complement. Claim 23 has been amended to clarify the requirement of high stringency hybridization to the 500 or more consecutive nucleotides of SEQ ID No. 1 or its complement. Claims 1-3 and 5-38 are pending.

Applicants respectfully request reconsideration and withdrawal of all pending rejections. The new matter rejections found on pages 2-5 of the Office Action of July 13, 2004 are moot, because the instant amendments have removed the limitations which were rejected as new matter.

The rejections of claims 15-16 and 23-24 for as failing to comply with the written description requirement have been overcome by amendments to claims 15 and 23. These amendments require the nucleotide identity or hybridization to be over that portion of the claimed nucleic acids which comprise consecutive nucleotides from SEQ ID No. 1. Accordingly, the rejection's argument, that the nucleotide identity or hybridization could be to some uncharacterized portion of the claimed nucleic acids, is moot.

The rejection of claims 1-3 and 5-38 as being indefinite has been overcome by the amendments to claims 1-3 and 5. These amendments replaced the term "complementary sequence", which the rejection interpreted as being indefinite, with "complement of SEQ ID No. 1", "complement of SEQ ID No. 2", "complement of SEQ ID No. 3" and "complement of SEQ ID No. 5" in claims 1-3 and 5, respectively. Accordingly, there can be no confusion about which complementary sequences the claims specify.

Applicants respectfully submit that the application is now in condition for allowance and request prompt notice thereof.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 18-1982

Respectfully submitted,



F. Aaron Dubberley, Reg. No., 41,001  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, NJ 08807-0800  
Telephone (908) 231-3737  
Telefax (908) 231-2626

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